

DEPARTMENT OF STATE (DOS) MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE) PROGRAM

Article 15-A of the NYS Executive law was enacted on July 19, 1988, to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting.

The MWBE requirement applies to Contracts, including Grants, with value over:

- \$25,000 for commodities/services
- \$100,000 for construction

DOS supports the statewide requirement to provide procurement opportunities for MWBEs.

The Bureau of Fiscal Management administers the Department of State's MWBE Program.

HOW DOES IT APPLY TO YOU?

Under 5 NYCRR §142.8, DOS contractors are required to make "Good Faith Efforts (GFE)" to provide meaningful participation to MWBEs as subcontractors or suppliers in the performance of their contracts.

DOS aspires to meet our agency wide MWBE goal of 30% utilization. The contract's specific MWBE goals can be identified in the RFA and/or the budget page in your contract.

Goals apply to qualified (subbed out/procured) budget lines of all contracts, including contracts supported with federal funding which do not have a DBE component.

YOUR CONTRACTUAL MWBE REQUIREMENT IN THREE STEPS

STEP 1 - Utilization Plan Submission

Within ten (10) days of receipt of Notice of Award, you must submit:

1. **Form A** - MWBE/EEO Policy Statement (required even if waiver/pre-contract waiver request approved)
2. **Form B** - Staffing Plan - **applies when grant amount is above \$250,000** (required even if waiver/pre-contract waiver request approved)
3. **Form D** - MWBE Utilization Plan (required if MWBE subcontractors/vendors already selected)
OR Form D-1 - MWBE Compliance Certification Letter (required if MWBE subcontractors/vendors not yet selected).

Notes:

- MWBE Utilization Plans (Form D) must list the MWBE firms you will actually utilize to meet your contractual MWBE goals.
- The DOS MWBE Program will review, make a determination on MWBE Utilization Plans and notify you.
- In case of changes to an approved MWBE utilization plan, a revised MWBE Utilization Plan Form D must be completed and submitted to the DOS MWBE Program at dos.sm.mwbe@dos.ny.gov
- If you submit a completed MWBE Compliance Certification Letter (Form D-1), you will be required to submit a completed MWBE Utilization Plan Form D within two (2) weeks after selection of any vendor or subcontractor for the provision of MWBE applicable purchases or contractual services.
- Whenever applicable, you may be asked to electronically enter your utilization plan data in the NYS Contract System (see Step 2 on next page).

STEP 2 - Use of the NYS Contract System (system)

Once your contract is executed, you need to set up a user account in the system to:

- Submit your utilization plan data through the Statewide Utilization Management Plan (SUMP) module of the system, if notified to do so.
- Report payments made to your subcontractors through the Contract Compliance Management (CCM) module of the system.
- Track transactions on your contract, manage users and communicate with your DOS Project/Program Analyst.

Notes:

- The system is located at <https://ny.newnycontracts.com/>
- For assistance with accessing the system or looking up your user account, contact your DOS Program/Project Analyst or the DOS MWBE Program.
- You are not required to use the system if your contract is 100% federally funded.

STEP 3 - Reporting of MWBE Utilization

Throughout your contract term, you must submit:

1. **Form C** - Workforce Utilization Report, on a quarterly basis (required even if waiver/pre-contract waiver request approved)
2. **Form F** - Quarterly MWBE Contractor Compliance Report, on a quarterly basis (required if your contract is 100% federally funded or when you don't have access to the system)
OR Online reporting through the NYS Contract System (required when Form F is not being submitted - *see above*)

Note:

- For assistance with reporting your MWBE utilization, either on paper form or online, contact your DOS Program/Project Analyst or the DOS MWBE Program.

ADDITIONAL INFORMATION

◇ **Only the use of New York State-certified MWBE firms** will count towards meeting your contractual goals. Contact your DOS Program/Project Analyst or the DOS MWBE Program for assistance with identifying MWBE firms.

◇ Request For Waiver

You may submit a waiver request (**Form E**), in coordination with your DOS Program/Project Analyst, when:

- Your contract does not offer any opportunity for MWBE participation, or
- You have a thoroughly documented justification of the good faith efforts made to meet your contractual goal.

◇ All the forms are available at <https://dos.ny.gov/supplier-diversity>



For questions or assistance with achieving and reporting MWBE utilization,
Contact the DOS MWBE Program:

518-474-2754 or dos.sm.mwbe@dos.ny.gov